

NIALL E. LYNCH (State Bar No. 157959)
NATHANAEL M. COUSINS (State Bar No. 177944)
MAY LEE HEYE (State Bar No. 209366)
BRIGID S. BIERMANN (State Bar No. 231705)
CHARLES P. REICHMANN (State Bar No. 206699)
Antitrust Division
U.S. Department of Justice
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 436-6660

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

D. JAMES SOGAS,

Defendant.

Case No. 06-0752 SI

STIPULATED NOTICE
OF RELATED CASE
IN A CRIMINAL ACTION;
and [~~PROPOSED~~] ORDER

UNITED STATES OF AMERICA

v.

IL UNG KIM; YOUNG BAE RHA; and
GARY SWANSON,

Defendants.

Case No. 06-0692 PJH

UNITED STATES OF AMERICA

v.

THOMAS QUINN,

Defendant.

Case No. 06-0635 PJH

[CAPTION CONTINUES ON NEXT PAGE]

1 UNITED STATES OF AMERICA

2 v.

3 SUN WOO LEE; YEONGHO KANG; and
4 YOUNG WOO LEE,

5 Defendants.

Case No. CR 06-0180 PJH

6
7 UNITED STATES OF AMERICA

8 v.

9 D.S. KIM, C.K. CHUNG, K.C. SUH, and
10 C.Y. CHOI,

11 Defendants.

Case No. CR 06-126 PJH

12 UNITED STATES OF AMERICA

13 v.

14 ELPIDA MEMORY, INC.,

15 Defendant.

Case No. CR 06-0059 PJH

16
17 UNITED STATES OF AMERICA

18 v.

19 SAMSUNG ELECTRONICS COMPANY,
20 LIMITED and SAMSUNG SEMICONDUCTOR,
INC.,

21 Defendants.

Case No. CR 05-643 PJH

22 UNITED STATES OF AMERICA

23 v.

24 HYNIX SEMICONDUCTOR INC.,

25 Defendant.

Case No. CR 05-249 PJH

26
27 [CAPTION CONTINUES ON NEXT PAGE]

1 UNITED STATES OF AMERICA

2 v.

3 INFINEON TECHNOLOGIES AG,

4 Defendant.

Case No. CR 04-299 PJH

5
6 UNITED STATES OF AMERICA

7 v.

8 T. RUDD CORWIN; HEINRICH FLORIAN;
9 GÜNTHER HEFNER; and PETER SCHAEFER,

10 Defendants.

Case No. CR 04-397 PJH

11 Under Crim. L. R. 8-1, the United States and D. James Sogas ("Defendant"), file this
12 Stipulated Notice of Related Case in a Criminal Action for this criminal case, United States v.
13 D. James Sogas, CR 06-0752 (SI) to nine previously filed criminal cases assigned to Judge
14 Phyllis J. Hamilton, United States v. Il Ung Kim, et al., CR 06-692 (PJH), United States v.
15 Thomas Quinn, CR 06-635 (PJH), United States v. Sun Woo Lee, et al., CR 06-180 (PJH),
16 United States v. D.S. Kim, et al., CR 06-126 (PJH), United States v. Elpida Memory, CR 06-
17 0059 (PJH), United States v. Samsung Electronics Company, Limited and Samsung
18 Semiconductor, Inc., CR 05-643 (PJH), United States v. Hynix Semiconductor Inc., CR 05-249
19 (PJH), United States v. T. Rudd Corwin, et al., CR 04-397 (PJH), and United States v. Infineon
20 Technologies AG, CR 04-299 (PJH). The United States and Defendant jointly request relating
21 this case to Judge Hamilton.

22 A chronological history of these related criminal cases follows. On September 15, 2004,
23 the United States filed an Information in United States v. Infineon Technologies AG, charging
24 Infineon with participating in a conspiracy to fix the prices of DRAM sold to certain computer
25 manufacturers. On October 20, 2004, Infineon pled guilty for participating in the price-fixing
26 conspiracy and was sentenced to pay a \$160 million fine before Judge Hamilton. On December
27 2, 2004, the United States filed an Information in United States v. T. Rudd Corwin, et al.,
28

1 charging four individual defendants with participating in the same price-fixing conspiracy in the
2 DRAM industry. On December 15, 2004, Judge Hamilton sentenced each of the four
3 individuals. On April 21, 2005, the United States filed an Information in United States v. Hynix
4 Semiconductor Inc., charging Hynix with participating in the DRAM price-fixing conspiracy.
5 On May 11, 2005, Hynix pled guilty for participating in the price-fixing conspiracy and was
6 sentenced by Judge Hamilton to pay a \$185 million fine. On October 13, 2005, the United
7 States filed an Information in United States v. Samsung Electronics Company, Limited and
8 Samsung Semiconductor, Inc., charging Samsung with participating in the DRAM price-fixing
9 conspiracy. On November 30, 2005, Samsung pled guilty for participating in the price-fixing
10 conspiracy and was sentenced by Judge Hamilton to pay a \$300 million fine. On January 30,
11 2006, the United States filed an Information in United States v. Elpida Memory, Inc., charging
12 Elpida with participating in the DRAM price-fixing conspiracy. On March 22, 2006, Elpida
13 pled guilty for participating in the DRAM price-fixing conspiracy and was sentenced by Judge
14 Hamilton to pay an \$84 million fine. On March 1, 2006, the United States filed an Information
15 in United States v. D.S. Kim et al., charging four individual defendants with participating in the
16 DRAM price-fixing conspiracy. On March 15, 2006, Judge Hamilton sentenced each of the
17 four individuals. On March 22, 2006, the United States filed an Information in United States v.
18 Sun Woo Lee, et al., charging three individual defendants with participating in the DRAM
19 price-fixing conspiracy. On April 2, 2007, Judge Hamilton sentenced two of the three
20 individuals, Sun Woo Lee and Yeongho Kang. On August 30, Judge Hamilton sentenced the
21 third individual, Young Woo Lee. On September 21, 2006, the United States filed an
22 Information in United States v. Thomas Quinn, charging one individual defendant with
23 participating in the DRAM price-fixing conspiracy. On November 8, 2006, Judge Hamilton
24 sentenced Thomas Quinn. On October 18, 2006, the United States filed an Indictment in United
25 States v. Il Ung Kim, et al., charging three individual defendants with participating in the
26 DRAM price-fixing conspiracy.

27 The Information charges that Defendant participated in the DRAM price-fixing
28

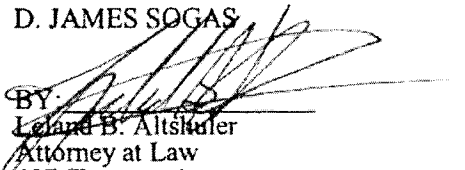
1 conspiracy. There are common events and occurrences alleged in this case and the nine
2 predecessor cases pending before Judge Hamilton.

3 The assignment of this case to Judge Hamilton is therefore likely to conserve judicial
4 resources and to promote an efficient determination of the action.

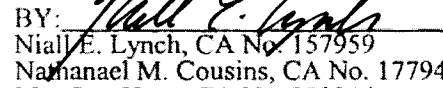
5 Dated: November 27, 2006

6 Respectfully submitted,

7 D. JAMES SOGAS

8 
9 BY: Leland B. Altschuler
10 Attorney at Law
11 407 Sherman Avenue
12 Palo Alto, CA 94306
13 Tel: (650) 328-7917
14 Fax: (650) 327-9151

U.S. DEPARTMENT OF JUSTICE

15 BY: 
16 Niall E. Lynch, CA No. 157959
17 Nathanael M. Cousins, CA No. 177944
18 May Lee Heye, CA No. 209366
19 Brigid S. Biermann, CA No. 231705
20 Charles P. Reichmann, CA No. 206699
21 Trial Attorneys
22 U.S. Department of Justice
23 Antitrust Division
24 450 Golden Gate Avenue
25 Box 36046, Room 10-0101
26 San Francisco, CA 94102
27 Tel: (415) 436-6660
28 Fax: (415) 436-6687

Stipulated Notice of Related Cases
CR 06-0752 SI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

D. JAMES SOGAS,

Defendant.

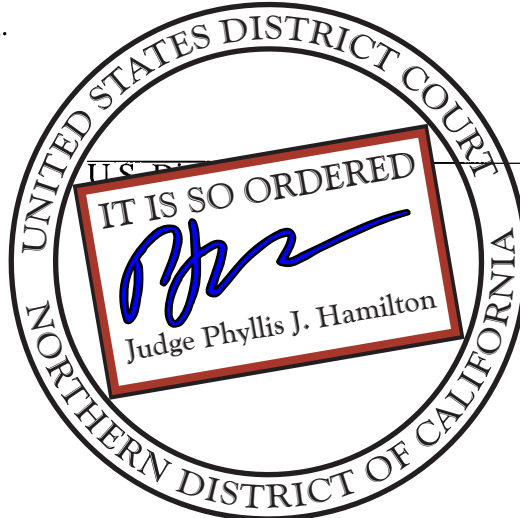
Case No. CR 06-0752

[PROPOSED] ORDER

RELATED CRIMINAL CASES

This Court has considered the Stipulated Notice of Related Cases in a Criminal Action under Crim. L. R. 8-1, jointly filed by the United States and defendant D. James Sogas. Because the assignment of United States v. D. James Sogas to Judge Phyllis Hamilton is likely to conserve judicial resources and promote an efficient determination of the action, it is ordered that this case is transferred to Judge Hamilton.

Date: December 1, 2006



CERTIFICATE OF SERVICE

I, Niall E. Lynch, certify:

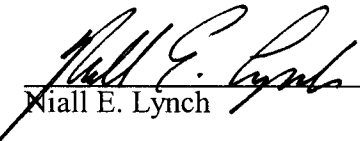
That I am a citizen of the United States and am employed by the U.S. Department of Justice, Antitrust Division, at 450 Golden Gate Avenue, Room 10-0101, San Francisco, CA 94102; I am over the age of eighteen years; and am not a party to the within action.

That on November 27, 2006, I sent by fax and United States mail a copy of the following pleadings to the party listed in the foregoing Stipulation.

1. Stipulated Notice of Related Cases in a Criminal Action

2. [Proposed] Order on Stipulated Notice of Related Case in a Criminal Action

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 27, 2006, at San Francisco, California.


Niall E. Lynch